

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

CLAY B. SULLIVAN
Petitioner,

v.

RICKY J. BELL, WARDEN
Respondent.

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No. 3:09-0406
Judge Campbell

O R D E R

The Court has before it respondent's Answer (Docket Entry No. 17), the Magistrate Judge's Report and Recommendation (Docket Entry No.35), and the petitioner's timely Objection (Docket Entry No.38) to the Report and Recommendation.

In accordance with the Memorandum contemporaneously entered, the Court has reviewed these pleadings and the record *de novo* and finds that the petitioner's Objection lacks merit.

Accordingly, the petitioner's Objection is OVERRULED. The Report and Recommendation is ADOPTED AND APPROVED in all respects. The petitioner's application for habeas corpus relief (Docket Entry No.1) is DENIED and this action is hereby DISMISSED.

Should the petitioner give timely notice of an appeal from this order, such notice will be treated as an application for a certificate of appealability which will NOT issue because the petitioner has failed to make a substantial showing of the denial

of a constitutional right. 28 U.S.C. § 2253(c)(2).

It is so ORDERED.



Todd Campbell
United States District Judge